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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/829,003	04/21/2004	Michael J. Shanor	380-178	5506
1009	7590	12/16/2004	EXAMINER	
KING & SCHICKLI, PLLC 247 NORTH BROADWAY LEXINGTON, KY 40507			SNIDER, THERESA T	
			ART UNIT	PAPER NUMBER
			1744	

DATE MAILED: 12/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	S.C.
	10/829,003	SHANOR ET AL.	
	Examiner	Art Unit	
	Theresa T. Snider	1744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
 THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 10 August 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1,2,17,18,21 and 22 is/are rejected.
- 7) Claim(s) 3-16 and 19-20 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 21 April 2004 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8/10/2004</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 94(page 12, line 22) and 110(page 15, line 3). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:
- The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claims 21-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Exemplary of such:

Claim 21, line 7, 'floor cleaning apparatus' should be replaced with the appropriate element that comprises it; housing?

Line 8, 'said floor' lacks proper antecedent basis.

Claim 22, line 1, the preamble discloses a method of preventing tipping of a floor cleaning device however fails to positively recite a floor cleaning apparatus;

Line 5, 'said handle' should be replaced with 'said control handle assembly'.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-2 and 17-18 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Barnhart.

Barnhart discloses a nozzle assembly having an intake opening (col. 1, lines 47-48).

Barnhart discloses a canister assembly connected to the nozzle assembly (fig. 2, #11).

Barnhart discloses a suction generator carried on one of the nozzle or canister assembly (fig. 1, #16).

Barnhart discloses a dirt collection vessel carried on one of said nozzle or canister assembly (fig. 4, #23)..

Barnhart discloses a control handle assembly pivotally connected to the canister assembly (col. 1, line 55-col. 2, line 2). Barnhart discloses the handle assembly having an operating handle and a carrying handle (fig. 1, #52,29). Barnhart discloses the handle

assembly displaceable between an operating position and a storage position (figs. 2 and 4).

With respect to claim 2, Barnhart discloses a hub and boss (col. 2, lines 1-5).

With respect to claim 17, Barnhart discloses the operating handle being a hand grip (fig. 2, #52).

With respect to claim 18, Barnhart discloses the carrying handle being a portion of a loop (fig. 5, #29).

Allowable Subject Matter

6. Claims 3-16 and 19-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
7. Claims 21-22 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.
8. The following is a statement of reasons for the indication of allowable subject matter: the prior art discloses a floor cleaning apparatus with a nozzle assembly, canister assembly, suction generator, dirt collection vessel and control handle assembly with a hub and boss HOWEVER fails to disclose or fairly suggest the further inclusion of a first projection on one of the canister and control handle assembly and a first projection receiver on the other of the canister assembly and control handle assembly. The prior art discloses floor cleaning apparatus with stabilizers for

engaging a floor surface HOWEVER fails to disclose or fairly suggest the stabilizer being a moveable control handle assembly for the cleaning apparatus.

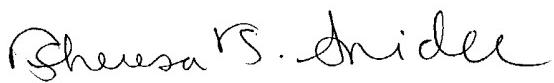
Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Replogle, Descarries, Smith disclose a floor cleaning apparatus with a stabilizer. Barnhart and Gaudry disclose a floor cleaning apparatus having a hand grip and carrying handle. Nupp et al. and Sumerau et al. disclose floor cleaning apparatus with control handle assemblies having two positions. Bonin et al. discloses a floor cleaning apparatus with a control handle assembly that also acts as a stabilizer. Greene et al. and Eberhart disclose floor cleaning apparatus with a control handle having an operating handle and a carrying handle.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Theresa T. Snider whose telephone number is (571) 272-1277. The examiner can normally be reached on Monday-Thursday (5:30am-2:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert J. Warden can be reached on (571) 272-1281. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Theresa T. Snider
Primary Examiner
Art Unit 1744

12/13/2004